FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 394 OF 2004
IN
FIRST APPEAL NO. 1964 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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CORAM: A.S. OKA, J.
DATE : 27th August, 2004.

P.C.:-

1. Heard learned counsel appearing for the Applicant and Respondent nos. 1 to 3. Shri Vidyarthi for the Applicant states that the entire amount due and payable as per the Award has been deposited in the Tribunal. He submitted that the amount may not be permitted to be withdrawn as there is a serious challenge to the Award in the First Appeal. He submitted that the challenge is on both the grounds, i.e., finding regarding negligence and the quantum of compensation.

2. I have heard the counsel appearing for the parties. I have also perused the impugned Judgment and Award. Considering the facts and circumstances of the case, the Civil Application is disposed of by permitting the Respondent no.1 to 3 to withdraw a sum of Rs. 150,000/- out of the amount deposited by the Applicant in the Tribunal. The said amount will be permitted to be withdrawn by Respondent nos. 1 to 3 (Original Claimants) without furnishing any security. However withdrawal of the said amount will be subject to final result of the Appeal. In sofar as the balance amount deposited by the Appellant is concerned the same shall be invested in fixed deposit in any nationalised bank. The fixed deposit shall be renewed from time to time till the final disposal of the Appeal.

. All concerned to act on a copy of this order duly authenticated.

JUDGE